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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,446	01/06/2005	Takuji Himeno	450100-04678	2798
7590	04/28/2009		EXAMINER	
William S Frommer Frommer Lawerence & Haug 745 Fifth Avenue New York, NY 10151			TOPGYAL, GELEK W	
			ART UNIT	PAPER NUMBER
			2621	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/520,446	HIMENO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	GELEK TOPGYAL	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 1/6/2005.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-16 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 06 January 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 8 July 2002. It is noted, however, that applicant has not filed a certified copy of the JP 2002-199073 application as required by 35 U.S.C. 119(b).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 1, 2, 4 and 8** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, it is not clear in page 39 of the claims regarding the following limitation "the recording means recording, based on the edition point in case the insertion data group (EditPack\_V\_h) is already recorded at the edition point, insertion data groups (EditPack\_V\_n) located before a new input data group (Pack\_V\_n) independently of ***the insertion data group (EditPack\_V\_n)***," the claimed "the insertion data group (EditPack\_V\_n)" is referenced, however, the insertion data group is "(EditPack\_V\_h)" not "(EditPack\_V\_n)". Additionally, the limitation of "the data group (Pack\_V\_h)" references to a previous limitation of "to-be-edited data group". It is not clear to which "data group" it is referencing. This thereby makes the claim indefinite as it is not clear to which insertion data group it is referring to. Furthermore, due to indefiniteness, it affects the interpretation of claims 2 and 8, thereby rendering

those claims indefinite as well. However, the claims have been given a form of interpretation, and the rejection of these claims is made below.

3. **Claim 4** recites the limitation "the VBV delay (VBV\_Delay\_n)" in page 40 of the claims. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-16** are rejected under 35 U.S.C. 102(e) as being anticipated by Sugahara et al. (US 7,292,782).

**Regarding claim 1**, Sugahara teaches an image data processing apparatus for processing image data encoded with the MPEG technique (Fig. 12C and col. 36, line 24+ teaches of MPEG) and including data groups (Pack\_V) each having an auxiliary recording area (AUX\_V) provided therein, led by an I or P picture and including a B picture (col. 42, lines 45-55 teaches of auxiliary data stored after a I or P picture), the apparatus comprising:

a recording means for recording a to-be-edited data group (Pack\_V\_h) at an edition point on a recording medium where the data groups (Pack\_V) have already

been recorded, and recording, to the recording medium, insertion data groups (EditPack\_V\_h) (Col. 41, line 64 through col. 42, lines 67 teaches of re-encoded data) each having an insertion auxiliary recording area (EditAUX\_V\_h) (Col. 41, line 64 through col. 42, lines 67 teaches of re-encoded auxiliary information in the form of VBV and PTM values) provided therein before the data group (Pack\_V\_h) in response to a bit occupancy of a VBV (video buffering verifier) buffer used for decoding and including a copy picture repeatedly representing a previous picture and/or stuffing byte (Col. 41, line 64 through col. 42, lines 67 and col. 36, line 3 through col. 37, line 51 teaches of re-encoding data at a splice point between a first segment A and second segment B by referring to the VBV information for each segment. During re-encoding, a new GOP may be written which includes P and B frames),

the recording means recording, based on the edition point in case the insertion data group (EditPack\_V\_h) is already recorded at the edition point, insertion data groups (EditPack\_V\_n) located before a new input data group (Pack\_V\_n) independently of the insertion data group (EditPack\_V\_n), and each having an insertion auxiliary recording area (EditAUX\_V\_n) provided therein and including a copy picture and/or stuffing byte (Col. 41, line 64 through col. 42, lines 67 and col. 36, line 3 through col. 37, line 51 teaches of re-encoding a splice point, specifically, this situation applies to the end portion (or between points p and q) which are re-encoded and placed before at point q preceding the rest of the second MPEG picture data).

**Regarding claim 2**, Sugahara et al. teaches the claimed as discussed in claim 1 above wherein upon re-encoding of MPEG data between points p and q, the old data is removed and new data replaces the old MPEG data.

**Claims 3 and 4** are rejected for the same reasons as discussed in claim 1 above wherein the re-encoding is completed to avoid VBV buffer overflow or underflow and therefore the copy pictures like P and B frames (stuffing/copy-pictures) are re-encoded between point m and o (or o and q).

**Regarding claim 5**, Sugahara et al. further teaches that only for I and P frames are VBV information sent/written (col. 42, lines 45-55), and therefore for B picture types (stuffing byte), there exists no header (see col. 29 lines 44-62 which teaches of PTS and DTS values related to PTM value stored in VBV information).

**Regarding claim 6**, the re-encoded VBV information for a re-encoded P picture meets the claimed as it identifies that a P picture is present.

**Claim 7** is rejected for the same reasons as discussed in claim 1 above, wherein the edition points A through B are re-encoded, therefore, the re-encoded scenes begin at the top of MPEG sequence.

**Claim 8** is rejected for the same reasons as discussed in claims 1, 3 and 4 above, wherein a re-encoded sequences has a new MPEG sequence including new I, P and B pictures. Therefore, P and B meet the claimed copy picture and stuffing byte, respectively.

**Method claims 9-16** are rejected for the same reasons as discussed in apparatus claims 1-5 and 7-8 above.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited prior art teaches systems that are capable of re-encoding sections of separate video clips/streams upon slicing. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GELEK TOPGYAL whose telephone number is (571)272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gelek Topgyal/  
Examiner, Art Unit 2621

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